

REMARKS

Careful consideration has been given to the Official Action of May 31, 2005 and reconsideration of the application as amended is respectfully requested.

Drawings

The Examiner has found a number of claims which are not fully supported by the drawings. In order to overcome this rejection, the associated claims have been cancelled without prejudice, namely, claims 16, 18, 19, 20, 26, 27, 30, and 31.

The Examiner has allowed claims 53-65. The Examiner has indicated that claims 13, 14, 17-29, 31 and 49 are objected to but would be allowable if rewritten in independent form.

Claims 13 and 17 have been rewritten in independent form and are now allowable along with claims 53-65.

Claims 1, 12, 16, 18-20, 26, 27, 30, 31, 33-36, and 52 have been cancelled without prejudice. The remaining claims have been amended to be dependent directly or indirectly from one or more of the allowed claims and consequently are in condition for allowance therewith.

Claims 66-74 have been added to the application and are directed to apparatus for fixation of distal and proximal fragments of a fracture of the radius. These apparatus claims correspond to allowed method claims 57-65 and are considered allowable.

The Examiner has cited the Warburton patent in rejecting a number of apparatus claims in the application. It is respectfully submitted that the rejection is inapplicable to claims 667-74. Warburton discloses an intramedullary rod 26 which has a tip end 26h and although the Examiner has not elaborated on the construction of this tip end in relation to the tip end of the implant of the invention, it is respectfully submitted that there is a clear and

distinctive difference between the present invention and Warburton. Namely, as disclosed in the application and recited in claim 66 the tip end of the distal portion of the buttressing element is rounded and formed with an ogival or bullet shape in conformity with an apical space at an endodorsal surface of the subcontral bone inside the radial surface of the radial styloid so that the tip end of the distal portion to fit into said apical space as shown in Figs, 1,2, 4 and 8. As a consequence, the implant will provide a buttressing function for the distal fragment not only axially but transversely as well. Warburton does not show such a feature and in fact provides a different configuration in which the distal end of the head 26h is beveled or inclined as shown at 27i. The tip end of the head 26h slopes downwardly from the surface adjacent the radial portion toward the ulna aspect of the fracture fragment 18 (see column 6, lines 6-10). Based on this fundamental difference in structure and function it is respectfully submitted that claims 66-74 are also allowable with the other allowed claims.

In view of the above action and comments, it is respectfully submitted that the application has been placed into condition for allowance and early notice thereof would be appreciated.

Respectfully submitted,



JULIAN H. COHEN
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 20302
Tel. No. (212) 708-1887